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Charleston Daily Mail

Officials at hearing won't say water is safe

by Dave Boucher

Daily Mail Capitol Bureau Chief

CHARLESTON, W.Va. - More than a month after the Freedom Industries chemical spill, none of the seven officials testifying at a congressional hearing in Charleston Monday could say whether the area's water supply is safe.

"That is a difficult thing to say because everyone has a different definition of safe," said Dr. Letitia Tierney, commissioner of the state Bureau for Public Health.

Federal lawmakers leading the hearing also learned a private company's October inspection of

Freedom's tank farm along the Elk River found its tanks weren't "necessarily in full compliance" with federal standards.

The chemical spill, discovered by the state on Jan. 9, eventually overwhelmed the local West Virginia American Water Co. treatment plant. That resulted in a do-not-use order for more than 15 percent of West Virginia's population.

Tierney was one of several state and local officials to testify Monday. Water company president Jeff McIntyre and Rafael Moure-Eraso, Chemical Safety Board chairman, also testified.

They appeared before four members of the nearly 60-member U.S. House Transportation and Infrastructure Committee.

Chairman Bill Shuster, R-Pa., led the hearing at the Kanawha County Courthouse and was joined by Reps. Nick Rahall, D-W.Va., Shelley Moore Capito, R-W.Va., and Daniel Webster, R-Fla. Webster is a Kanawha County native.

Sen. Joe Manchin, D-W.Va., was also invited and allowed to ask questions.

Freedom President Gary Southern and members of the U.S. Centers for Disease Control and Prevention were also invited but did not attend. All of the West Virginia lawmakers chastised Southern for not attending.

"There is an odor emanating from Freedom Industries, and it's not licorice," Rahall said.

After the hearing, Capito said she thought the testimony from those who did attend was beneficial.

"The biggest takeaway, however, is the disconcerting fact that no one is willing to say that our water is safe to drink," she said in a statement emailed by a spokeswoman.

In his opening statements, Shuster said the committee came to Charleston to hear firsthand what happened after the spill. He said he thought it was clear officials were "hedging" over the water's safety.

"Nobody sitting here is willing to say the water is safe," Shuster said, guessing it was an effort to avoid potential lawsuits.

Moure-Eraso didn't deny that. He said it takes plenty of information about a chemical to make such a claim, and there's still little known about crude MCHM and PPH.

That's part of the problem in effectively regulating tanks that hold such chemicals, officials said.

The professional inspectors who looked at Freedom's tanks used a safety standard that applies to "hazardous" chemicals. Because neither crude MCHM nor PPH are deemed "hazardous," tanks holding those chemicals aren't effectively regulated, Moure-Eraso said.

The lack of a "hazardous" classification also seemed to placate state environmental officials.

"Before the Freedom Industries release, the general thought process was that if the material in a given tank wasn't regulated by any of the multitude of state or federal programs, then it was probably harmless to both the public health and environment," state Department of Environmental Protection official Mike Dorsey said during the hearing.

"The fallacy of that type of assumption is clear now."

No one could say why students, teachers and others recently passed out or felt sick after encountering the telltale licorice odor of crude MCHM in area schools.

Tierney had made a comment about differing definitions of "safe" before. On Monday, she added the idea that some people think parachuting off a bridge is safe.

McIntyre reiterated the "flushing" procedure was created for homes to bring the water within the 1 part per million "safe" level established by the CDC and not to eliminate odors.

"Just because you can smell something doesn't mean it's not safe," McIntyre said.

Manchin said he was surprised the water company couldn't shut down its treatment center. Dorsey testified not shutting it down "certainly compounded the problem."

McIntyre said a shutdown would have meant no water for toilet flushing or fire protection. He said due to pressure issues and the possibility of pipes breaking, the process would have taken more than one month "under optimum conditions."

In an unorthodox move, Shuster allowed seven residents to address the committee.

Sue Bird, who said she's lived in the Institute area for more than 70 years, said she and fellow residents have asked for more attention to chemical safety for years. She told McIntyre she would never trust the water again.

Another resident asked when the water would stop smelling. No one answered.

Two holes in tank leak

The Chemical Safety Board does know more about the tank that leaked.

Investigators found two holes, one 19 millimeters and another 10 millimeters, according to a picture provided by safety board lead investigator Johnnie Banks.

Taken from inside the tank, the picture shows corrosion on the inner walls around the holes. Moure-Eraso said the CSB is considering requiring corrosion-resistant materials for future tank construction.

The safety board also discovered Freedom's tanks were inspected by a private company in October. The review found the tanks were "maintained to some structural adequacy, but not necessarily in full compliance with" federal standards.

Dorsey originally said he thought the hole in the tank was about one inch in diameter, and he was most recently told by Freedom that at least 10,000 gallons of chemicals leaked.

West Virginia University's Paul Ziemkiewicz had estimated a one-inch hole likely leaked for at least 20 hours.

The smaller size reported by safety board investigators could have affected how long the chemical leaked. Ziemkiewicz said he thought the tank could have been leaking for "months."

After hearing three different estimated leak totals from Freedom, Dorsey said he was going to wait until the safety board determined how much of the chemical leaked into the river.

For now, the site is contained, he said. But he expected the DEP would find more of the chemical on site once the remaining tanks are removed.

A 'wake-up' call

This is the third time since 2008 that a team from the safety board has responded to an event in the Kanawha Valley. The board has recommended the state and county work to create a hazardous chemical release prevention program, among other proposed fixes.

"Perhaps qualified inspectors would have considered aging chemical storage tanks, located just upstream from a public drinking water treatment plant, to be potentially 'highly hazardous' and worthy of a closer look," Moure-Eraso said.

Manchin and others said the spill is a "wake-up call" for the nation. He's already proposed a measure with Sen. Jay Rockefeller, D-W.Va., calling for greater regulation of aboveground storage tanks and better emergency management preparedness.

In a statement, Rockefeller thanked the committee for coming to Charleston and criticized the idea that companies have the public's best interest at heart.

"Too many in industry are driven solely by maximized profits, and this cynical strategy has caused tremendous harm to West Virginians' well-being and has shaken their sense of our state's future," Rockefeller said.

Capito said she plans today to introduce the Ensuring Access to Clean Water Act, a measure she said is similar to Manchin and Rockefeller's bill.

At the state level, a House of Delegates committee is scheduled to take up a bill enhancing aboveground storage tank regulation and emergency preparedness standards Wednesday.

USA Today

One month later, experts hedge on W.Va. water safety

'Everybody has a different definition of safe,' the public health chief said.

By John Bacon, USA TODAY

One month after a chemical spill contaminated water for 300,000 West Virginians, health officials testifying before a congressional panel in Charleston on Monday hedged on guaranteeing that the water is safe to drink.

"Everybody has a different definition of safe," said Letitia Tierney, commissioner of the state Bureau for Public Health. "I believe the water, based on the standards we have, is usable."

Rep. Shelley Moore Capito, R-W.Va., a member of the House Transportation and Infrastructure Committee, noted that Tierney was drinking from a container of water that came from Tierney's tap at home.

Jeff McIntyre, head of West Virginia American Water, said the water is in compliance with all safety standards -- and that he doesn't set those standards. Rafael Moure-Eraso, chairman of the U.S. Chemical Safety and Hazard Investigation Board, told the panel it's difficult to say what levels are safe because the chemical involved has drawn so little study.

Rep. Bill Shuster, R-Pa., said it appeared that no one was willing to state unequivocally that the water was safe, possibly for fear of liability issues.

Thousands of gallons of the coal processing chemical 4-methylcyclohexane methanol (MCHM) spilled from Freedom Industries tanks into the Elk River on Jan. 9. The water was not shut off, but its use was banned for residences, businesses and schools in nine counties. MCHM can cause skin irritation, vomiting and diarrhea, but is not regulated under federal law.

Some areas were banned from using tap water for more than a week, and all residents were instructed to flush their pipes before using water again. Even after the all-clear was issued, some residents complained of discolored or poorly smelling water.

More than 100 people marched Saturday in Charleston to protest the state of the local water -- and the water bills they are paying. And Wednesday, two local schools closed early after the licorice odor similar to that of the spilled chemical wafted through several classrooms and a

cafeteria.

A teacher who fainted and another student went to the hospital, state schools Superintendent James Phares said. Other students started feeling light-headed and had itchy eyes and noses. Phares said schools were flushing their pipes Wednesday because of a water main break earlier in the week and didn't finish before students arrived.

There have been other mixed messages. Weeks after officials cleared thousands to use water again, Centers for Disease Control and Prevention officials advised pregnant women to consider a different water source.

Last week, however, the CDC reaffirmed its stance on the water's safety, even for pregnant women.

"You can drink it. You can bathe in it," said Tanja Popovic, acting director of the National Center for Environmental Health and Agency for Toxic Substances and Disease Registry. "You can use it how you like."

Popovic said the CDC's suggestion to consider other water sources was meant only to empower pregnant women to make their own health decisions.

"They may not want to eat certain food," Popovic said. "They may not want to fly. It doesn't mean that flying isn't safe."

Charleston Gazette

Three months before spill, inspection found Freedom tank below standards

By Ken Ward Jr.

CHARLESTON, W.Va. -- An evaluation three months before the Jan. 9 chemical spill found that chemical storage tanks at Freedom Industries did not meet industry standards, federal safety inspectors have found.

Tanks at the Elk River facility were "not necessarily in full compliance with" industry and federal government standards, the U.S. Chemical Safety Board said during testimony at a congressional field hearing on the spill.

CSB Chairman Rafael Moure-Eraso revealed the October 2013 review of Freedom's tank farm in describing his agency's preliminary research into the spill that polluted the drinking water of 300,000 West Virginians with the chemical Crude MCHM.

"The tanks in use at Freedom Industries were over one-half century old," Moure-Eraso said during a field hearing held by the House Committee on Transportation and Infrastructure. "Considering the best way to improve the safety of tanks at facilities that have similar tanks in use is an important question."

During the hearing, CSB officials also revealed a blown-up poster of a state Department of Environmental Protection photo showing two small holes in the bottom of the MCHM tank that leaked.

The CSB is investigating the Elk River spill to find out what happened and make recommendations to avoid another such incident. The agency does not have authority to issue citations or levy fines, but makes recommendations to other agencies and to industry about ways to improve safety.

In his prepared testimony, Moure-Eraso said that Tank Engineering and Management Consultants, a firm that was hired by Freedom, conducted the October 2013 inspection at the facility.

Moure-Eraso said that the firm's review noted that Crude MCHM was not considered "hazardous" for the purposes of the U.S. Environmental Protection Agency's spill prevention and counter measures rule. Because of that, Moure-Eraso said, the specific tank that leaked Jan. 9 was not examined in the October 2013 inspection.

CSB investigators have found that the "secondary containment wall" -- composed of cinder blocks and surrounding the MCHM tank that leaked -- "provided very little protection from a possible release."

"Company documents further show that the wall was not lined and that tank 396 rested directly on porous material including gravel and soil," Moure-Eraso said.

The consultant firm's inspection did examine other tanks at the site and found the tanks had "been maintained to some structural adequacy, but not necessarily in full compliance" with EPA standards or an American Petroleum Institute standard called API-653.

Johnnie Banks, the CSB's lead investigator in the Freedom Industries probe, said that, among other things, the October 2013 inspection noted potential issues with settling of the tanks that could have affected their stability.

"There was some concern about the condition of the tanks," Banks said after Monday's committee hearing.

Moure-Eraso said that API-653 "is considered the prevailing voluntary good practice" for above-ground storage tanks, and was developed to establish a uniform national program that assists state and local governments in above-ground storage tank regulations.

"It is important to note that API 653 is the very first safeguard for improving the safety and

reliability of above-ground storage tanks," Moure-Eraso said. "[API 653] covers basically every age-related damage mechanism known, including, but not limited to corrosion, brittle fracture, and improper fabrication," Moure-Eraso said.

Moure-Eraso said that, "While there are laws prohibiting polluting to waterways with a spill, there are not really any clear, mandatory standards for how you site, design, maintain and inspect non-petroleum tanks at a storage facility."

Later, during a short public comment period, Angie Rosser of the West Virginia Rivers Coalition reminded the committee that the Freedom Industries site had received a stormwater pollution permit from the state Department of Environmental Protection.

DEP Secretary Randy Huffman, Rosser noted, has said that, "This incident could have been prevented or minimized just with the regulations we have in place, but it just didn't click in anybody's mind that this was a concern."

Rosser said that the Elk River spill revealed what can happen when the state doesn't strongly enforce the environmental and water quality protections that are already on the books.

"This is not just about one leaky tank," she told the committee. "Please let's not have a narrow view."

In a 2008 report, the CSB noted that no EPA program specifically regulates non-petroleum above-ground storage tanks, and that such actions have been left up to individual states.

The above-ground storage tank bill working its way through the West Virginia Legislature does not mention API-653, and leaves the writing of any safety standards up to the DEP.

Moure-Eraso encouraged lawmakers on the federal level and in West Virginia not just to require tank inspections and leak-detection systems, but to also focus on broader requirements for "inherent safety."

"For chemical storage tanks like this, the first question that should always be asked is, do they need to be near the water supply for some reason?" Moure-Eraso said. "The facility just did not have to be where it was. And although relocating it would have had some costs, those pale beside the costs that thousands of West Virginia residents and businesses are now paying for this disaster.

"Inspections are essential, but they are not a complete solution by any means," Moure-Eraso said. "What is needed -- and what I hope this legislation leads to -- is a holistic approach to preventing these incidents."

During the public comment session, Maya Nye of the group People Concerned About Chemical Safety, also urged lawmakers to take the broad approach advocated by the CSB.

"We need to take a hard look at chemical safety from cradle to grave," Nye said.

West Virginia State Journal

WVU conference to focus on new rules for carbon dioxide emissions from coal-fired power plants

The third annual national energy conference at West Virginia University will focus on new rules from the Environmental Protection Agency to regulate carbon dioxide emissions from coal-fired power plants.

Featuring experts from government, the private sector and environmental organizations, the conference will explore how these new laws will be navigated and affect the power industry, states and communities.

The conference, sponsored by Steptoe & Johnson PLLC, will be Monday, Feb. 24 at the Erickson Alumni Center. Hosting the event is the Center for Energy and Sustainable Development at the WVU College of Law.

U.S. Senator Joseph Manchin III, D-W.Va., will deliver the opening keynote address. A member of the Senate Energy and Natural Resources Committee, Manchin recently sponsored legislation that addresses the EPA's regulation of power plant emissions.

Coal-fired power plants supply about 40 percent of the electricity generated in the United States, but contribute 80 percent of the power sector's carbon dioxide emissions. The EPA has already issued proposed rules to regulate carbon dioxide emissions from new power plants, and within the next few months will issue proposals to regulate existing power plants, as well.

"The actions the EPA is taking to regulate carbon dioxide emissions from coal-fired power plants are of vital importance to West Virginia and other coal-dependent regions of the country," said James Van Nostrand, director of the Center for Energy and Sustainable Development.

He said it's a critical time to get involved in shaping the EPA's rules and their implementation.

"While the percentage of electricity generated from coal is expected to decline over the next three decades, coal will continue to play an important role in America's energy future and West Virginia's economy," he said.

The EPA's carbon dioxide emission standards are expected to provide flexibility to states and to allow a number of compliance options. However, there are financial and logistical challenges associated with the new regulations.

"It may be very difficult for a state to meet the emissions reductions required, and doing so will

likely be very costly," said Van Nostrand. "For coal-dependent states, the impact could be even greater as the likely result will be less coal burned, leading to job losses in the extraction industry."

The public is invited to attend the conference, and admission is free. Registration, however, is required for the lunch, featuring keynote speaker Charles Patton, president and chief operating officer of Appalachian Power Company.

The conference is also offering Continuing Legal Education credit for attorneys for a standard fee. For details or to register for the conference, go to energy.law.wvu.edu/energy-conference-2014 or call (304) 293-0064.

In addition to the conference, the Center for Energy and Sustainable Development is in the process of issuing a series of discussion papers to help guide policymakers on the regulation of (CO₂) emissions from coal-fired power plants. The discussion papers are available at energy.law.wvu.edu.

WYPR Radio - Baltimore

Who Should Pay Stormwater Fees? (Audio Link at website)

By Karen Hosler

Rain bounces off rooftops, washes down buildings and races off driveways and parking lots into the street, joining hundreds of gallons more rushing for storm drains and a new home in nearby rivers and creeks. And it carries all manner of dirt and disease with it.

Forty years into a national crusade to save the Chesapeake Bay, attention centers on this most difficult of targets: stopping the pollution that washes off with the rain. Maryland's answer has been to tax property owners for their rainwater runoff, based on the amount of impervious surface, and reward those who take remedial action. And after years of bitter resistance, the so-called rain tax has settled into an accepted fact of life. The debate now focuses on how to broaden the base of property owners who pay stormwater fees. The complaint is that not every property owner is treated equally. And government properties don't have to pay at all.

Patrick Donoho, president of the Maryland Retailers Association, says that's neither fair nor practical. "Stormwater run-off does not know the tax status or ownership of the property over which it runs," he said. "If you are really committed to managing it, then it should be blind to ownership."

Maryland's ten most populous subdivisions were directed by the legislature in 2012 to create a fee to finance remedial steps to meet federal clean-the-Bay guidelines. But thanks to local

political pressures, they have responded quite differently. The result is a hodge-podge.

For example, in Annapolis, the privately-owned Navy Marine Corps Memorial Stadium pays a \$500 annual stormwater fee to the city. Yet the nearby Annapolis Mall was billed nearly \$35,000 by Anne Arundel County. That fee could be reduced by mitigation credits, but only by half.

Meanwhile, the Chesapeake Bay Foundation paid \$2,000 to the county last year on its Bay-front headquarters a few miles away. But the environmental advocacy group is due a refund thanks to a \$1 token charge granted to churches that was later extended to all non-profits.

“I think we were trying to be as fair as we could,” said Republican County Councilman Dick Ladd. He acknowledged concerns about the way the fee is applied but said they paled against broad opposition to the fee itself.

The question of who should pay is particularly troublesome in Baltimore, where city Delegate Maggie McIntosh says 33 percent of the buildings are non-taxable structures owned by governments or non-profits—compared to an 11 percent average in the counties. “So, when it comes to storm water run-off, we do have to look to the non-profit sector to be a part of the solution,” says McIntosh, chair of the House Environmental Matters committee.

Churches and synagogues get a break on the city fee, but not for their parking lots or other buildings. Non-profits are assessed on the same square footage basis as homeowners. For the Johns Hopkins medical complex the annual charge—before mitigation credits—could exceed \$46,000.

But there’s still the dilemma of state and local government buildings, which were exempted from the stormwater fee by the General Assembly in 2012. Delegate Al Carr, a Montgomery county Democrat, tried unsuccessfully to close that hole in the fee base last year. “It’s a utility,” he said. “Everybody pays according to what they use or what they contribute. So that’s why government agencies aren’t exempt from paying their water bills. They shouldn’t be exempt from paying their stormwater utility fees.”

Governor Martin O’Malley put \$2.8 million in this year’s budget to compensate counties for runoff from state property. But Howard County Republican Senator Allan Kittleman, who tried in vain to repeal the fee mandate, said the state should be required to participate. “What’s good for the goose is good for the gander,” he argued.

BNA Daily Environment Report

McCarthy: EPA ‘On Track’ to Issue Carbon Rule for Existing Power Plants

By Anthony Adragna

Feb. 10 — The Environmental Protection Agency is “on track” to issue its proposed carbon dioxide emissions standards for existing power plants in June 2015, and it will try to ensure “every sensitivity” to the jobs and communities that have played a role in generating power from traditional energy resources for decades, EPA Administrator Gina McCarthy said Feb. 10.

McCarthy said the U.S. would not have to pick between environmental protection and a strong economy, pointing to the Clean Air Act amendments of 1990 and fuel economy standards as examples of environmental efforts that have boosted economic activity and job creation.

“We want to make sure that the standards will be flexible and will build on ongoing progress that is already being made in states and cities,” McCarthy said.

“With a modern power sector, we are going to encourage clean energy investment that expands domestic industries and secures good-paying jobs here in the United States, while making sure there is space for a diverse fuel supply.”

McCarthy did not mention coal specifically during her remarks at the Good Jobs, Green Jobs conference, and she did not respond to questions from reporters following her remarks.

President Barack Obama has called for the EPA to issue proposed standards for existing power plants by June 2015 as one of the key components of his climate action plan.

Electricity generation is the largest source of greenhouse gas emissions in the U.S., according to the EPA, accounting for 33 percent of emissions in 2011.

The forthcoming regulation has already prompted outrage among industry groups and many in Congress for the impact it could have on the coal industry.

Congressmen from coal-producing regions argue that the emissions standards will cost thousands of workers their jobs and will further devastate communities in those areas.

McCarthy said the EPA would fully consider those impacts as it works to develop as flexible a proposal as possible, while also ensuring significant reductions in carbon dioxide emissions.

‘Every Sensitivity’ to Workers

“We need to do [the regulation] with every sensitivity to the workers that have brought energy to American families for decades,” McCarthy said. “It’s not just about jobs. It is about families. It is about communities—communities where those workers live. And we need to be sensitive to those issues as we struggle to find the right solutions moving forward.”

Multiple efforts have been launched in Congress—most notably by Senate Minority Leader

Mitch McConnell (R-Ky.) and Rep. Ed Whitfield (R-Ky.)—to halt progress on the regulations, but Rep. Shelley Moore Capito (R-W.Va.), who is a candidate for an open Senate seat in West Virginia, told Bloomberg BNA those efforts are unlikely to be successful (27 DEN A-8, 2/10/14)(27 DEN A-8, 2/10/14).

Reiterating her support for Obama's call for action on climate change, McCarthy said climate change represents a “threat to the economy.”

“At the end of the day, what is economic productivity worth if our water is too dirty to drink and our air is too dirty to breathe?” McCarthy asked. “That principle drives EPA's mission to protect human health and the environment.”

McCarthy echoed similar themes from a Jan. 30 speech when she argued acting on climate change could spur job creation, economic growth and technological innovation.

BNA Daily Environment Report

GAO: EPA Should Monitor for More Than 30 Unregulated Contaminants

By Pat Ware

Feb. 10 — Congress should amend the Safe Drinking Water Act to allow the Environmental Protection Agency to monitor for more than 30 contaminants under certain circumstances, the Government Accountability Office said in a report released Feb. 10.

The EPA should be given this flexibility if high-priority contaminants, such as those on its “contaminant candidate list” (CCL) or contaminants of emerging concern, can be included at minimal cost, with minimal additional burden on public water systems, and while using analytical methods the EPA already is using, the report said.

The EPA's CCL is a list of unregulated contaminants of potential concern that occur in drinking water. The agency makes its decisions whether to regulate a contaminant or take another action based on this list.

In addition, Congress should consider adjusting the statutory time frames for the EPA's Unregulated Contaminant Monitoring Rule (UCMR) so data collected under it can support regulatory determinations in the same cycle, according to the report, “Drinking Water: EPA Has Improved Its Unregulated Contaminant Monitoring Program, but Additional Action Is Needed.”

EPA Monitors for 30 Contaminants

The EPA now requires designated drinking water systems to monitor for 30 contaminants, the maximum level allowed under the Safe Drinking Water Act.

Unregulated contaminants are pollutants known or suspected of being in drinking water for which the EPA has not established a health-based standard.

Monitoring for these contaminants helps the EPA decide whether there should be a standard.

GAO was asked to investigate EPA's UCMR program by Rep. Henry Waxman (D-Calif.), ranking member of the House Committee on Energy and Commerce, and Sen. Edward Markey (D-Mass.).

GAO said EPA's decision to monitor for 30 contaminants has “significantly improved” the UCMR program.

GAO made the recommendation that the EPA monitor for 30 contaminants at a July 12, 2011, hearing held by the Senate Environment and Public Works Committee. The hearing was held to examine the EPA's unregulated contaminant monitoring program ([134 DEN A-10, 7/13/11](#)).

Vary Monitoring Frequency

GAO's Feb. 10 report also recommended that the EPA should vary the monitoring frequency for certain unregulated contaminants to help ensure data will accurately reflect the occurrence of contaminants.

For example, the UCMR is not expected to accurately detect the presence of contaminants when water systems monitor for sporadically occurring viruses or pesticides that fluctuate seasonally, GAO said.

In response, EPA said it will seek to adjust the monitoring frequency for contaminants that are expected to have significant sporadic or seasonal occurrence when practical. In determining this, the EPA said it will take into account cost and other issues.

GAO also recommended that, to help address potential limitations with the UCMR data, when considering if adequate data had been collected under previous monitoring, the EPA should take into account whether the sampling methodology used provided sufficient occurrence data to make a regulatory decision.

The report also said the EPA should take into account whether the contaminant's health information is in flux or has now been updated and indicates that adverse health effects occur at a lower level than at which UCMR data were originally collected.

Are Data Outdated?

In addition, GAO recommended that EPA should take into account whether data collected earlier

have become outdated and no longer present an accurate picture of contaminant occurrence. This could occur, for example, when industrial or agricultural chemical use has changed, the report said.

The EPA responded it will give greater consideration to whether additional occurrence data gathering is warranted for the contaminants monitored in previous UCMR cycles. In doing so, the EPA said it will specifically consider the sampling methodology used in the previous cycle, changes in health information that may warrant additional monitoring at a lower level and the degree to which the available data are expected to be representative of current contaminant occurrence.

As for the use of previous UCMR data to support the agency's regulatory determinations, the EPA said it will continue to judge the appropriateness of the data on a case-by-case basis.
